

# Exhibit I

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Nikolay Bashlykov 30(b)(6)

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

_____ RICHARD KADREY, et al.,	)	
Individual and	)	
Representative	)	
Plaintiffs,	)	
	)	
v.	)	Case No.:
	)	3:23-cv-03417-VC
META PLATFORMS, INC.,	)	
Defendant.	)	
_____	)	

\*\* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY \*\*

Videotaped 30(b)(6) deposition of Defendant  
META PLATFORMS, INC.,  
by and through its corporate designee  
NIKOLAY BASHLYKOV  
Friday, December 6, 2024

London, England  
United Kingdom

Reported stenographically by:  
Leah M. Willersdorf,  
RMR, CRR, FBIVR, ACR, QRR2\*, CLR

\_\_\_\_\_  
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1 A. Yes.

2 Q. Okay.

3 How have you been prepared to testify  
4 today as Meta's corporate deponent?

5 MR. WEINSTEIN: She's asking you to  
6 describe generally the process that you undertook to  
7 prepare for this part of your deposition.

8 THE WITNESS: So I reviewed documents and  
9 I had a few calls with Meta employees.

10 BY MS. POUHEYMIROU:

11 Q. Who did you speak with?

12 A. Okay. Can I consult the names? You mean  
13 Meta employees?

14 Q. Mmm-hmm.

15 A. So I spoke to Kevin Leddy.

16 Q. Kevin what?

17 A. Kevin Leddy.

18 MR. BYRD: Can you ask him -- do you have  
19 a copy of that?

20 THE WITNESS: It's actually, yes, in the  
21 documents.

22 MR. BYRD: Where is it?

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1 MR. WEINSTEIN: It's in tab 2.

2 MR. BYRD: Okay.

3 MS. POUEYMIROU: You know what, let's

4 enter this as Exhibit 3 -- I'm sorry, as Exhibit 818

5 -- or 819. 819. And this is the 30(b)(6) binder of

6 exhibits used to prepare you for today's deposition.

7 BY MS. POUEYMIROU:

8 Q. Is that correct, Mr. Bashlykov?

9 A. Correct.

10 Q. Okay.

11 MR. BYRD: Let's mark it with the

12 exhibit --

13 MS. POUEYMIROU: Okay. We'll mark yours

14 as well.

15 MR. WEINSTEIN: Yeah, they'll put a

16 sticker on it eventually. Don't worry about it.

17 THE WITNESS: Okay.

18 (Plaintiffs' Exhibit 819 marked for

19 identification.)

20 BY MS. POUEYMIROU:

21 Q. Okay. So where are the names you are

22 referencing?

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1 A. If you go to the second file --

2 Q. Mmm-hmm.

3 A. -- and then the last page of the second  
4 section.

5 Q. Okay.

6 Okay. Who else did you speak with?

7 A. So Kevin Leddy, as I was saying,  
8 Hugo Touvron and Eryk Helenowski.

9 Q. How do you spell Eryk's last name?

10 A. Should I show you? Or I can just write it  
11 down.

12 Q. Where is it here?

13 MR. WEINSTEIN: He actually wrote it in  
14 that one --

15 MS. POUEYMIROU: Oh.

16 MR. WEINSTEIN: -- so it's in that copy.

17 THE WITNESS: I can pronounce it letter by  
18 letter if you --

19 BY MS. POUEYMIROU:

20 Q. Sure.

21 A. H-e-l-e-n-o-w-s-k-i.

22 Q. And who is he?

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1 A. He's a software engineer.

2 Q. And why did you speak with him?

3 A. He's a software engineer who knows about  
4 Meta AI code and API code.

5 Q. Why did you speak to Hugo Touvron?

6 A. To try to get information about Books3G.

7 Q. And what is Books3G?

8 A. It's Books3 and Gutenberg.

9 Q. And why did you speak to Kevin Leddy?

10 A. So he pulled all issues and all pull  
11 requests of the repositories' source code.

12 Q. And what are issues and pull requests?

13 A. It's a terminology in GitHub. It's part  
14 of the source code or modifications of the source  
15 code.

16 Q. But can you explain what an issue is for  
17 the camera?

18 A. The definition of the issue?

19 Q. The definition of an issue, yes.

20 A. So the definition of an issue in the  
21 code base is when someone points out a certain,  
22 necessarily or unnecessarily, change within the code

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1 professional 30(b)(6) witness, so obviously he --

2 MR. BYRD: Well, if we are going to swear  
3 you in, we should do that.

4 MR. WEINSTEIN: Well, let me ask: Are you  
5 taking the deposition or is she?

6 MR. BYRD: No, but I saw it and think it  
7 should be on the record, that you shook your head.

8 MR. WEINSTEIN: Okay. Why don't you  
9 repeat your question and we'll...

10 BY MS. POUYMIROU:

11 Q. So, Mr. Bashlykov, in the dep- -- do you  
12 know who Mike Clark is?

13 A. I do.

14 Q. Okay. In Mr. Clark's deposition, when we  
15 were discussing seeding in the document we spent about  
16 two hours on yesterday, the lawyer for Meta said that  
17 you were going to be the witness to talk about it,  
18 specifically as a 30(b)(6) witness on behalf of Meta.

19 My question for you is how are you  
20 prepared to discuss seeding in this case?

21 A. Could you specify the term "how"?

22 Q. I'm asking you what preparation you put to

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1 discuss seeding, given the representations of counsel  
2 that you would be the 30(b)(6) witness to provide  
3 testimony on this that is binding to Meta?

4 A. So I refreshed my knowledge of the work  
5 I did using the notebook document that is included in  
6 this.

7 Q. And are you talking about tab 8?

8 A. Correct.

9 Q. Did you look at any other documents that  
10 discuss seeding?

11 A. I looked into the internal documentation  
12 which specifies which ports open on the dev servers.

13 Q. "... internal documentation which  
14 specifies which ports open on the dev servers."

15 What does that mean?

16 A. So Meta dev servers, they have some  
17 firewall protection. I refreshed my knowledge on what  
18 ports are open to the outside or which ones are not.

19 Q. And what does that mean about "what ports  
20 are open to the outside [and] which ones are not"?

21 A. It means through which ports can the  
22 communication with the internet happen.



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1 these hard drives contain data that Meta has also  
2 seeded. I want to return to that question. You said  
3 sci-mag was data Meta sourced through bit torrenting;  
4 is that correct?

5 A. I mentioned torrenting.

6 Q. Torrenting, okay.

7 Is it also fair to say, since sci-mag you  
8 have identified in these hard drives, that these hard  
9 drives contain data Meta also seeded?

10 MR. WEINSTEIN: Object to form.

11 THE WITNESS: Sorry, can you repeat the  
12 question?

13 BY MS. POUYMIROU:

14 Q. Isn't it true, then, that these hard  
15 drives also contain data that Meta also seeded?

16 MR. WEINSTEIN: Object to form.

17 THE WITNESS: I don't have grounds to  
18 confirm that.

19 BY MS. POUYMIROU:

20 Q. Is it possible that they contain data that  
21 Meta also seeded?

22 MR. WEINSTEIN: Object to form.

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1 THE WITNESS: I can only speculate.

2 I don't have, like, metadata which suggests that it  
3 would.

4 BY MS. POUEYMIROU:

5 Q. Okay. So you were not prepared to answer  
6 questions on whether any of the data on these hard  
7 drives was also seeded?

8 MR. WEINSTEIN: Object to form.

9 THE WITNESS: How does it relate to me  
10 being unprepared and the fact that I don't have  
11 evidence?

12 BY MS. POUEYMIROU:

13 Q. Because you were offered as the corporate  
14 deponent to testify on behalf of Meta with respect to  
15 seeding.

16 A. Okay.

17 Q. And you have been offered to testify on  
18 behalf of Meta with respect to the sources of the data  
19 on these hard drives.

20 A. Correct.

21 Q. So we are talking about data on these hard  
22 drives and seeding, which are the two topics that you

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1 were supposed to be prepared on, and I'm just  
2 confirming whether you were.

3 Is it your testimony that you were not  
4 prepared to discuss seeding any of the data on these  
5 hard drives?

6 MR. WEINSTEIN: Object to form,  
7 mischaracterizes testimony.

8 THE WITNESS: I only said that I don't  
9 have evidence if any of the data that is on the hard  
10 drives was seeded.

11 BY MS. POUEYMIROU:

12 Q. But it is possible?

13 A. I don't have evidence for that.

14 Q. I understand that, but my question is not  
15 whether you have evidence; it's whether it is possible  
16 that some of this data that you torrented was also  
17 seeded?

18 MR. WEINSTEIN: Object to form.

19 THE WITNESS: So during -- to the best of  
20 my knowledge, during torrenting of sci-mag, there were  
21 precautions in place to limit seeding.

22 BY MS. POUEYMIROU:

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1                   Yeah. So if you want to use a model in,  
2   like, chat format or any other format, that you would  
3   use most likely llm\_inference code repository.

4                   MS. POUEYMIROU: Okay. We are nearly out  
5   of time. I wanted to put on the record that -- what  
6   we talked about during the break, which is, you know,  
7   pursuant to your responses and objections,  
8   Mr. Bashlykov was offered to provide testimony on  
9   whether Meta downloaded the datasets at multiple  
10   points in time, the datasets being those that are  
11   contained on the hard drives, which include LibGen and  
12   Books3, and was unable to provide any testimony about  
13   that, nor was prepared to testify about that issue.

14                  He was also -- it was also made clear by  
15   Kathleen Hartnett in the Mike Clark deposition that  
16   Mr. Bashlykov would be the 30(b)(6) witness prepared  
17   to talk about seeding in more detail. I had several  
18   documents today that I had planned to talk with  
19   Mr. Bashlykov about that I'm not going to discuss with  
20   him because it is clear that he was not prepared to  
21   speak on this topic, which I believe was noted by  
22   counsel.

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1 EXAMINATION ON BEHALF OF DEFENDANT

2 BY MR. WEINSTEIN:

3 Q. Mr. Bashlykov, the binder that you have  
4 today in front of you that contains documents that you  
5 reviewed, are there documents in your binder about  
6 which you were not asked any questions by opposing  
7 counsel?

8 A. There were.

9 Q. Okay. Mr. Bashlykov, were you prepared to  
10 testify today about the measures that Meta took to  
11 prevent the seeding of sci-mag pursuant to the  
12 bit torrent process that you employed?

13 A. I was.

14 MR. WEINSTEIN: Okay. No questions for  
15 the witness.

16 I want to also just respond to your point  
17 about the -- I believe the witness was properly  
18 prepared to testify. We are not going to respond to  
19 your statements about time because, obviously, a lot  
20 of your questions were outside the scope of the topics  
21 for which he was designated. I understand you  
22 disagree with that, but I do believe a lot of the time

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1     you spent today was talking about topics for which he  
2     was not designated and the record does reflect that.

3                 MS. POUEYMIROU:   Okay.   I don't have any  
4     further questions.

5                 MR. MORTON:   Real quick:   We need to make  
6     sure that that notebook is marked.   I know we said we  
7     would do it.

8                 MR. WEINSTEIN:   It is, yeah.

9                 MR. MORTON:   What's the time on the  
10    record?

11                THE VIDEOGRAPHER:   It's currently 3:16.

12                MR. MORTON:   Okay, thank you.

13                MR. WEINSTEIN:   Thank you.

14                MR. MORTON:   Did you mark the transcript?

15                MR. WEINSTEIN:   I did, but I will do it  
16    again.

17                MR. MORTON:   Okay.

18                MR. WEINSTEIN:   Pursuant to the protective  
19    order, we will designate the transcript as "Highly  
20    Confidential - Attorneys' Eyes Only."   The witness  
21    will read and sign.

22                THE VIDEOGRAPHER:   Going off the record.

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## 1 CERTIFICATE OF COURT REPORTER

2 I, LEAH M. WILLERSDORF, Registered Merit  
3 Reporter, Certified Realtime Reporter, Fellow of the  
4 British Institute of Verbatim Reporters, Qualified  
5 Realtime Reporter Level 2, and Certified LiveNote  
6 Reporter, do hereby certify that:

7 NIKOLAY BASHLYKOV appeared before me on Friday,  
8 December 06, 2024, was sworn by me and was thereupon  
9 examined by counsel; that the testimony of said  
10 witness was taken by me stenographically; that the  
11 foregoing is a true and accurate record to the best of  
12 my knowledge, skill and ability; that I am neither a  
13 relative nor employee of any party to the action in  
14 which this testimony was taken; that I am neither  
15 relative nor employee of any attorney or counsel  
16 employed by any party thereto; and, further, I am not  
17 financially or otherwise interested in the outcome of  
18 the action.

19

20



21

LEAH M. WILLERSDORF

RMR, CRR, FBIVR, ACR, QRR2, CLR

22

(December 08, 2024)